

35

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DAVID J. SCOTT
Plaintiff,

-VS-

Case: 2:09-cv-11807
Judge: Borman, Paul D
MJ: Majzoub, Mona K
Filed: 05-11-2009 At 02:21 PM
IFP SCOTT V. BURRESS ET AL (JTC)

DANIEL BURRESS, BRIAN
LAVAN, JAMES PASIENSKI,
THOMAS CREMONTE, DENNIS
BOLLING, DAVID BERGMA,
CHRISTOPHER CORRIEVA,
FRANK DELVEIRO, ANGELA
DELVEIRO, ERIC WALTERS,
BRENDA EVANS, JAMIES,
HUGHES, PAMELA MAAS,
MARK GATESMAN, UK
PAROLE BOARD MEMBER,
SHERLEY SCOTT, VERN SCOTT
SENIOR, VERN SCOTT JUNIOR,
MAUREEN LOTVENOS, WILLIAM
MCCRERIE, TIM BLACKBURN,
JULIE BLACKBURN, JOYCE
DRAGANCHUK, TEREVA BRENNAN,
BRIAN BROWN, WILLIAM
COLLETTE, TODD REETZ AND
JOHN SMITH AND BARR SCOTT,
Defendants.

CIVIL COMPLAINT
With Jury Demand

This is a civil cause of action filed by David Scott in propria persona under the Racketeering Influence and Corrupt Organization Act (RICO) for acts performed as an on-going criminal organization alleging obstruction of justice, extortion, racketeering retaliation for seeking legal redress and conspiring to commit same.

Jurisdiction

1. This court has jurisdiction for this matter pursuant to 18 USC 1961-1968. Plaintiff further invokes the supplemental jurisdiction of the court for any state law claims asserted by the Plaintiff.

Parties

2. Plaintiff incorporates paragraph 1 above.

3. At all times pertinent to this action, Plaintiff was a private citizen with his residence in County of Livingston, State of Michigan.

4. At all times pertinent to this Complaint Daniel Burgess (retired), Teresa

Brown, Joyce Dragonchuk, William Collette, and Peter Hude were Michigan Court Judges; Defendants Thomas Grommek, David Bolling, Christopher Carrasco and David Bergsma were members of Michigan Police; Defendant UK Parole Board member was a member of Michigan Correctional system; Defendants Eric Walter, Brenda Evans and James Hight were employed with Michigan Courts; Defendants Brian Lazen and Mark Gatesman were Michigan attorney-at-law; Defendants William McQuinn, Frank Deluca, Angela Deluca and Pamela Meier were Michigan prosecutors; Defendants Shirley Scott, Vera Scott Senior, Vera Scott Junior, Maureen Latvane, Tim Blackburn, Julie Blackburn, Todd Beets, Deborah Beets and Barb Scott were associations with the recorder in County of Livingston.

General Allegations

5. Plaintiff incorporates paragraphs 1 through 4 above

6. Plaintiff owned an exterior building restoration business that he operated out of his home situated in the City of Brighton, State of Michigan.

7. In or about May 1979 Defendant
Lavian vowed to take over ownership of

Plaintiff's home.

8. Defendant Lavan meant and was understood to mean that he coveted Plaintiff's home and intended against Plaintiff's will by unlawful means to acquire the home and force Plaintiff to vacate the home.

9. During that time period, Defendant Lavan served on the Brighton City Board of Review consisting of a three member panel that functioned as the first level of review of property tax disputes by aggrieved parties owning real property within the city of Brighton.

10. From that insider standpoint, Defendant Lavan, each year from 1980 through 1983, caused the over assessment of the value of Plaintiff's home by falsifying City tax records with the intent of forcing a tax sale and corruptly acquiring the home through such sale.

11. Plaintiff sought and eventually obtained relief through the Michigan Tax Tribunal.

12. Shortly thereafter, Defendant Lavan, in conjunction with Defendant McCliric, instituted a forfeiture action

against Plaintiff.

13. The action was brought in bad faith with the intent once again to corruptly acquire Plaintiff's home.

14. Plaintiff resolved the forfeiture action upon paying off the principal balance owing on a land contract by which Plaintiff was purchasing the home.

15. On or about March 9, 1984, Plaintiff was charged in Livingston County on complaints sworn out by Defendant Bollings in four separate files with conspiracy to deliver controlled substance less than 50 grams.

16. The charges were and are false.

17. They were based on statements submitted by Defendants Reete and Smith that Plaintiff supplied Reete and Smith illegal drugs that they in turn sold to Defendant Bollings.

18. Defendants Lavan and Bollings are and were close friends.

18A Reete and Smith were represented by Defendant Lavan.

19. Defendants Keete and Smith incriminated Plaintiff in exchange for dismissal of the delivery charges against them.

20. Defendants Keete and Smith were set up by Lavan.

21. The charges brought against Plaintiff to frame him, were orchestrated by Defendant Lavan once again to corruptly acquire Plaintiff's home.

22. In conjunction with Defendant Lavan, the Livingston County prosecutor's office under Defendant Frank Devero proposed dismissal of the charges in exchange for Plaintiff relinquishing ownership of his home to Devero.

23. In a deal between Defendants Devero and Lavan, the home was to go to Lavan.

24. Plaintiff never turned over ownership of his home to Defendant Devero.

25. The charges against Plaintiff remained pending through 1984, 1985 and 1986.

26. Meanwhile, in about May 1985,

Defendant Loven began publicly accusing Plaintiff of intending to murder him and continues to make these accusations to this day.

28. The accusations were and are utterly false, malicious and slanderous.

29. Defendant Loven lacks probable cause whatsoever to believe Plaintiff intends, or ever intended, to cause him physical harm.

30. The accusations were and are made to expose Plaintiff to undue public contempt, disdain and hatred.

31. In or about May 1986 Defendant Burress was appointed by the Michigan Governor to the Livingston Circuit Court bench at which time he became presiding Judge over Plaintiff's criminal case.

32. Seeking election to that position, Judge Burress instantaneously instigated a campaign against Livingston County District Court Judge Michael Mewitt.

33. To gain an unfair

advantage in that campaign, Judge Burress orchestrated a false criminal investigation against Merritt and others politically associated with Merritt.

33. At or about that same time, Defendant Scott senior was heard falsely accusing Plaintiff of committing acts of public corruption including claiming to have witnessed Plaintiff bribe a Livingston County Circuit Court Judge.

34. In connection with the investigation orchestrated by Judge Burress against Judge Merritt, the Livingston County Prosecutor's Office under Defendant DeLero and in conjunction with Judge Burress and Defendants Crenante and Bergsma, sought to no avail to coerce Plaintiff into falsely incriminating Judge Merritt and others associated with Merritt.

35. Defendants Lavan, DeLero, Crenante and Bergsma were and are close socially and politically to Judge Burress.

36. Having refused to provide

those false incriminations, Plaintiff became targeted by Defendant Lotvenas who went on to Tudge Bunker.

37. During the months of May through August 1986, Defendant Lotvenas periodically appeared at Plaintiff's home.

38. Lotvenas was aware of a trip to Chicago to see an attorney that Plaintiff made during that period of time.

39. In late August 1986, Defendant Lotvenas was caught planting narcotics at Plaintiff's home to frame him.

40. Lotvenas confessed to working under the direction of Defendants Frank DePiero, Crescente and Bergman to frame the Plaintiff.

41. Lotvenas sought to frame the Plaintiff in retaliation for Plaintiff refusing to falsely incriminate Judge Merritt.

42. On or about September 1, 1986, Plaintiff made a complaint about the Lotvenas affair to the United States Attorney's Office.

43. Persons named in that complaint included Defendants Frank Delvera, Cremate and Bergsma.

44. In reaction to Plaintiff's complaint to the United States Attorney's office about the Lotmanos affair as described above, additional charges for conspiracy to deliver controlled substance on complaints sworn out by Defendant Cremate were brought against Plaintiff on or about October 9, 1986.

45. The charges were and are false and were brought against Plaintiff once again to frame him.

46. In conjunction with those charges, Defendants Cremate, Bergsma, Balking and others conducted a warrantless non-consensual search of Plaintiff's home seizing and failing to return a number of items belong to Plaintiff and his girlfriend including jewelry, money and legal papers.

47. None of the items seized were instruments of crime nor was it reasonably believed that

same was connected to the commission of any crime.

48. In the course of conducting the illegal search and seizure, Defendant Cremante, without provocation, authority or cause, evicted from Plaintiff's home an individual lawfully renting a room from Plaintiff.

49. Through acts of harassment, hostility and undue aggression, Defendants Cremante, Balling, Beresma, Lavan and others destroyed Plaintiff's livelihood leaving him, among other things, unable to pay a defense attorney, by intimidating business associates of Plaintiff into ceasing and desisting further business dealings with Plaintiff and otherwise disassociating themselves from Plaintiff.

50. During a proceeding December 5, 1986 Judge Burrell inexplicably revealed having knowledge of Plaintiff's contact with the aforementioned Chicago attorney.

51. Based on his personal and familial relationship with Lavan and Lotvenas, Plaintiff sought to

no avail the recusal of Judge Burress from his criminal case.

52. Judge Burress vowed to treat Plaintiff severely more harsh if found guilty after a jury trial.

53. Plaintiff entered into a plea of guilty before Judge Burress on or about January 20, 1987.

54. ~~the~~ the grand of innocence and to no avail, Plaintiff sought to withdraw his plea prior to sentencing.

55. On or about March 2, 1987 Judge Burress sentenced Plaintiff to a prison term of 7 to 20 years.

56. On his appeal of right from the judgment of conviction and sentence rendered against him by Judge Burress, Plaintiff sought, among other issues, a remand for an evidentiary hearing to re-new motion to disqualify Judge Burress.

57. To perfect that issue on appeal, Plaintiff inquired by written letter of Judge Burress disclosure as to the source of his knowledge

about the Chicago attorney.

58. That information was required for purposes of showing personal bias by establishing involvement on the part of Judge Burress with Defendant Lotuener in her aforementioned attempt to plant narcotics at Plaintiff's home to frame him.

59. Judge Burress reacted but never responded to Plaintiff's inquiry as to his knowledge about the Chicago attorney.

60. Judge Burress reacted initially by immediately establishing a sua sponte blanket disqualification from hearing all further matters pertaining to the Plaintiff.

61. The blanket disqualification was referred to the State Court Administrative Office (SCAO) for assignment of Ingham County Circuit Court Judge William Collette.

62. Judge Collette was assigned to hear various actions filed by Plaintiff in the Livingston County Circuit Court and pending at that time before Judge Burress.

63. Those actions consisted mostly of administrative appeals.

64. Judge Burress and Judge Collette were and are close socially and politically.

65. In conjunction with Ingham County circuit court Judge Peter Thuk, Judge Collette instituted a filing restriction against Plaintiff that amounted essentially to banning Plaintiff from Michigan courts.

66. Acting jointly and individually by design, scheme and plot, Judges Collette and Thuk implemented the Michigan court ban in bad faith in connection with a cover-up to protect Judge Burress from exposure of corrupt dealings.

67. In furtherance of that cover-up D-Defendants Evans and Walter conspired to destroy all records in connection with the dismissal of state court litigation brought by Plaintiff.

68. The actions of Defendants Evans and Walter in connection with the filing of federal court litigation, Scott v. Evans, et al., United States District Court, Eastern District of Michigan.

69. As a further consequence of Plaintiff's inquiry to Judge Burress about his knowledge of the Chicago attorney, Plaintiff became subject of mistreatment by the prison.

70. Such treatment included harassment shake downs, unlawful property seizures, excessive prison transfers and the issuance against Plaintiff of false misconduct reports; all of which once it began continued relentlessly until Plaintiff's release from prison.

71. Such treatment led to further filing of federal court litigation along with a number of institutional grievances.

72. Orchestrated by Judge Burress, SCAO unlawfully assigned Circuit Court Judge Allen Garbrecht to hear Plaintiff's motion to withdraw plea resulting in further filing of federal court litigation. Scott v. Hall, et al, United States District Court, Western District of Michigan, file No. 4:93-cv-40.

73. By order of the Michigan Court of Appeals issued on or about March 1, 1992, Plaintiff was remanded for resentencing before a different judge.

74. Orchestrated by Judge Burress, SCAO assigned Ingham County Circuit Court Judge Carolyn Steel (retired, to resentence plaintiffs who had reputation for harsh sentencing practices.

75. Constituting a substantial upward departure from the sentencing guideline recommendation, and lacking any evidentiary support, Judge Stall imposed Plaintiff's sentence upon resentencing without sufficient basis to justify the same.

26. On or about June 3, 1992, Plaintiff's brother, Kenneth Scott, was struck and killed by a drunk driver.

77. Plaintiff's brother bequeathed his estate in its entirety to the Plaintiff.

7.3. Under direction of Judge
Burnes, and Defendant's counsel, Defendant's son
Jamar, Scott Jamar, and Scott Jamar, Scott Jamar,
removed, converted and disposed of
cleared Plaintiff the assets of his
brother's estate.

79. Defendants Scott Senior and Scott Junior's stated reason for depriving Plaintiff assets from his brother's estate

was to deny Plaintiff financial means to obtain legal assistance in his criminal case. ~~80.~~ Plaintiff entrusted the care of his home pending his release from prison to Defendants Tim and Debra Blackburn.

81. Under direction of Judge Burress and Defendant Loran, and once again to deny Plaintiff financial means to obtain legal assistance in his criminal case, Defendants sold Plaintiff's home without paying Plaintiff proceeds due and owing him from that sale.

82. In a prisoner civil rights lawsuit filed by Plaintiff in the United States District Court for the Western District of Michigan, Plaintiff, on or about January 5, 2005, subpoenaed Judge Burress for the taking of his deposition. Scott v. BAC, docket No. 1:95-cv-571.

83. Meanwhile, on or about July 11, 2005, Plaintiff was granted a parole and scheduled to be released from prison on August 16, 2005.

84. Based on a letter falsely accusing Plaintiff of intending to murder Judge Burress and Defendant Loran, sent

to the parole board by Burress, Loven and Creamante, Plaintiff's parole was revoked August 15, 2005.

85. Defendants knew such accusations to be false and same were made maliciously and purposely to with the specific intent to wrongfully cause the revocation of Plaintiff's parole in retaliation for Plaintiff subpoenaing Judge Burress.

86. Plaintiff submits that such actions were taken once again to frame him.

87. Plaintiff was eventually released from prison on or about July 11, 2006.

88. Seeking damages for connection with revocation of his parole, and naming as party Defendants Judge Burress, Brian Loven, Thomas Creamante and various members of the Michigan Police and correctional system, Plaintiff filed a civil rights lawsuit in the Eastern District of Michigan on or about September 1, 2006. Scott v Burress, et al File No. 06-13916.

89. In another matter seeking

to recover a letter written to Plaintiff by a deceased friend and confiscated by Defendant Pasenski, Plaintiff filed an action in the Livingston County District Court on or about November 5, 2007.

See the Pasenski, File No. 07-4270-GC.

90. In reaction to Plaintiff's lawsuit against Defendant Pasenski, Pasenski joined forces with Judge Burress and Defendant Lavan against the Plaintiff.

91. New charges in Livingston County were brought against Plaintiff on December 11, 2007.

92. Plaintiff was charged on that date with possession of controlled substance less than 25 grams with intent to deliver and operating a motor vehicle with presence of controlled substance.

93. The charges were and are false and were orchestrated by Defendants Burress, Lavan and Pasenski once again to frame the Plaintiff.

94. Plaintiff's bond for the new charges was set by Magistrate Brown

at \$200,000.00

95. Bond was based on the same false accusations in the letter sent to the parole board.

96. Magistrate Burrell, Judge Burrell and Brian Loran are close friends.

97. Unable to make bail, Plaintiff remains incarcerated at the Livingston County Jail.

98. Except for interference by Judge Burrell, Plaintiff's criminal case would have been heard by Livingston County Circuit Court Judge Stanley Latreille.

99. Judge Latreille is fair and impartial and has no tie to Judge Burrell or Defendant Loran.

100. Just before Plaintiff's 12/11/07 arrest, Judge Burrell, in bad faith, met with and conveyed to Judge Latreille the false accusations that Plaintiff intended to murder him.

101. In so doing, Judge Burrell purposefully created an automatic ground for the disqualification of Judge Latreille leaving Judge Latreille

no choice but to recuse himself.

102. Judge Burress's contact with Judge Latreille was in fact an act of sabotage to get Judge Latreille out of the picture.

103. As intended by Judge Burress, the disqualification of Judge Latreille set off a chain reaction of disqualifications eventually leading to a SCAO assignment of a Judge who Judge Burress has influence over.

104. SCAO assigned Ingham County Circuit Court Judge Joyce Draganchuk who once again has reputation for harsh sentencing practices.

105. The SCAO assignment of Judge Draganchuk is part of a pattern of Ingham County Circuit Court judges with reputations for harsh sentencing practices being assigned under orchestration of Judge Burress to hear Livingston County cases brought against Plaintiff.

106. Defendant Hughes confirmed that Judge Draganchuk was not chosen by a blind draw therefore further confirming her assignment to not be prejudicial to Judge Shopping.

107. The SCAD assignment of Judge Draganchuk to Plaintiff's case was instantaneous to Judge Collette's recusal from the case who had also been assigned by SCAD.

108. Judge Collette introduced Judge Draganchuk into the vendetta against Plaintiff by Judge Burress.

109. Judge Draganchuk is predisposed to carrying out that vendetta.

110. Judge Draganchuk described her predisposition towards Plaintiff stating "Scott has a lot of nerve suing a judge and will have a long time in prison to think about it."

111. That by those words so spoken, Judge Draganchuk meant and was taken to mean that she is motivated to imprisoning Plaintiff in retaliation for suing Judge Burress.

112. Revealing her knowledge of Judge Burress's role in the criminal operation against Plaintiff that led to the current charges, Judge Draganchuk stated "Judge Burress

appears to have done a good job setting Scott up."

113. To conceal Judge Burriss' involvement in the Communist operation that led to the current charges against Plaintiff, Judge Draganchuk is an act of protectionism in furtherance of the cover-up relating to Judge Burriss, proclaimed her intent to block Plaintiff from calling Judge Burriss as a witness at Plaintiff's trial.

114. Plaintiff is a former plaintiff lawyer in bankruptcy before Judge Draganchuk.

115. Defendant Mass objected to a reduction in bond on her accusation of Plaintiff posing a danger to Judge Burriss and Defendant Lavan.

116. Defendant Mass testified accusations to be false and same were made maliciously and purposefully with the specific intent to wrongfully deny Plaintiff a reasonable bond.

117. However, Judge Draganchuk falsely denied a connection between Plaintiff's bond and Judge Burriss and Defendant Lavan.

118. Instead, Judge Draganchuk

denied Plaintiff bond on conjured-up grounds raised for the first time by Judge Draganchuk that Plaintiff posed a risk of failing to appear for future proceedings.

119. Among other things, Judge Draganchuk refused to take into account that if convicted Plaintiff's sentencing guidelines would be 27 months that, because of having failed to make bail, Plaintiff has already completely served.

120. For purposes of setting bond, the refusal to take into account the fact that Plaintiff has already served the high end of the sentencing guidelines recommendation serves only to further confirm Judge Draganchuk's predisposition to upwardly departing from the sentencing guidelines should Plaintiff be convicted.

121. Judge Draganchuk falsely denied a connection between Plaintiff's bond and Judge Burress and Defendant Loven to avoid an evidentiary hearing so as to

protect Judge Burress from being called by Plaintiff as a witness.

122. Plaintiff's district court proceedings were heard by Livingston County district court Judge Teresa Brennan.

123. On her own admission Judge Brennan is close friends with both Judge Burress and Defendant Loran but refused to recuse herself.

124. Judge Brennan treated Plaintiff in a bias and unlawful manner.

125. After acknowledging on record that Plaintiff is in danger, Judge Brennan's treatment of Plaintiff included requiring an excessive uniformed police presence during jury selection and Plaintiff's jury trial to prejudice Plaintiff before the jury.

126. The assignment of Judge Brennan to Plaintiff's case was also product of Judge Shopping.

127. It was accomplished by an act of manipulation on the part of Defendant McCreir.

128. To circumvent the blind draw Defendant McCreir temporarily assigned himself to Plaintiff's cases to ensure that the cases were assigned to Judge Brennan opposed to the other district court judge who is the Defendant's wife.

129. Judge Brennan appointed Defendant Gaterman to represent Plaintiff who on his own admission is the close friends with Judge Burress and Brian Loran.

130. Judge Brennan refused to substitute counsel leaving Plaintiff no choice but to represent himself.

131. On the basis that the accusations of Plaintiff intending to harm Judge Burress and Defendant Loran were false, Plaintiff also sought a bond reduction before Judge Brennan.

132. Similarly the same as Judge Draganchuk, Judge Brennan also falsely claimed a connection between Plaintiff's bond and Judge Burress and Defendant Loran while conjuring up other grounds to deny bond.

133. While Plaintiff has been at the Livingston county jail, at least three further attempts to frame him were made as follows:

a) On or about December 11, 2007, Defendants Cremonte and Carriveau attempted to coerce Randy Guillor, a Livingston county jail inmate, into falsely claiming that Plaintiff tried to get him to kill Judge Burgess.

b) Under direction of Defendants Cremonte and Bolling, Nicholas Sianette, another Livingston county jail inmate, tried to set up Plaintiff on fake charges of Plaintiff trying to get him (Sianette) to kill Judge Burgess.

c) While representing Plaintiff Defendant Gaterman covertly assisted Jeff Spann, another Livingston county jail inmate, in negotiations with the Livingston county prosecutor's office involving an effort by Spann to set up Plaintiff and Plaintiff's girl friend on false charges of smuggling drugs into the jail.

134. While at the Livingston county jail, Defendant Cremonte conveyed to

Plaintiff the following facts:

a) Plaintiff was falsely set up 12/11/07 because of his lawsuits against Judge Burrows, Defendant Loren, Defendant Pansky and Defendant Cremante.

b) With the exception of Plaintiff, charges in cases involving prescription pills are brought only after the substance in question has been analyzed which according to Cremante normally takes two or three months.

c) Judge Burrows and Defendant Cremante arranged to have Michigan State Police (MSP) Forensic Lab falsely incriminate Plaintiff on the operating with presence ~~of~~ controlled substance charge.

d) That Judge Burrows purposefully created the automatic ground for the disqualification of Judge Lotrille.

e) That SCAO assigned Judge Dragachuk to Plaintiff's criminal case at the direction of Judge Burrows and Judge Collette and was selected because of her harsh sentencing practices.

f) That Plaintiff is classified at the jail to maximum security and is restrained in belly chains and leg shackles because of her low status.

135. To impede Plaintiff in defending himself, the jail, under Defendant Crenshaw, refuses Plaintiff access to a secure telephone, legal research material and an adequate means to prepare and submit papers to the Court.

136. Being restrained in belly chains and leg shackles during Court proceedings further impedes Plaintiff's legal access by preventing him from handling his legal papers, taking notes and performing other functions necessary to successfully participating in the proceedings.

137. Plaintiff's Livingston County legal proceedings are completely rigged and controlled by Judge Burgess.

138. Plaintiff was falsely set up, is being denied bail and treated as otherwise described above in retaliation for seeking legal redress.

CAUSE OF ACTION

RICO

139. Plaintiff incorporates by reference paragraphs 1 through 138 above.

140. The actions of Defendants set forth above are illegal and pattern of racketeering activity.

141. Defendants, acting jointly and individually, conspired with each other on a single plan to injure Plaintiff in his person, property and business through a continued pattern of behavior involving repeated acts of concocting fictitious legal complaints and charges, framing Plaintiff, paid extortion, maintaining a protection racket, judge shopping and other acts of obstruction of justice.

142. Defendants agreed with each other upon a continuing plan to injure Plaintiff through racketeering activity in retaliation for Plaintiff seeking legal redress.

143. The predicate acts as described above have the same or similar purposes, results, participants, victims, methods of commission and otherwise are

interrelated by distinguishing characteristics and are not isolated events.

144. As a result of the Defendants racketeering activity, Plaintiff suffered damages including loss of property, business and liberty along with fear, anxiety, and interference with the exercise of plaintiff's rights.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests the Court for an order granting

A) Judgment for compensatory and punitive damages against Barresi, Lavan, Pasenski, Cremonte, Balling, Bergsma, Carriean, Frank Delveo, Angela Delveo, Walters, Evans, Hughes, Meas, Gatterman, Paolo Bona member, S. Scott, V. Scott senior, V. Scott Junior, Loteros, McBrine, T. Blackburn, J. Blackburn, Root, Smith and B. Scott jointly and severally in what ever amount Plaintiff is entitled in excess of \$75,000.00 excluding costs and interest.

b) injunction restraining Defendants, their agents, servants and co others acting in concert with them from racketeering and related activity including concealing fictitious complaints

against Plaintiff, Judge Shopping and other
acts of obstruction of justice and all
consequences of such acts.

Respectfully Submitted

x

David J. Scott
Plaintiff In Re
Livingston County Jail
150 S. Highland way
Hallowell ME 04843

Dated: March 9, 2009

DECLARATION OF DAVID J. SCOTT

By my signature below, I David J.
Scott, declare under penalty of perjury that
I have read the foregoing complaint and
that the facts set forth therein are
true to the best of my personal knowledge
and if sworn as a witness can
competently testify to same.

x

David J. Scott

Dated: March 9, 2009

CIVIL COVER SHEET

County in which action arose

Livingston

This cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by the rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating a case. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Livingston David Scott
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant Daniel Burress
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

470

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:
18 USC 1961-1968

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

\$75,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

Arthur Tarnow

DOCKET NUMBER

06-13916 / 09-10916

DATE

SIGNATURE OF ATTORNEY OF RECORD

Daniel Scott KRA

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Is this a case that has been previously dismissed?

☐ Yes

☐ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☐ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

CIVIL COVER SHEET FOR PRISONER CASES

Case No. <u>09-11807</u>		Judge: <u>PAUL D. BORMAN</u>	Magistrate Judge: <u>MONA K. MAJZOUB</u>
Name of 1 st Listed Plaintiff/Petitioner: DAVID J. SCOTT		Name of 1 st Listed Defendant/Respondent: Daniel Burress et al	
Inmate Number: <u>9115</u>		Additional Information:	
Plaintiff/Petitioner's Attorney and Address Information:			
Correctional Facility: Livingston County Jail 160 Highlander Way Howell, MI 48843			

BASIS OF JURISDICTION

- ☐ 2 U.S. Government Defendant
☒ 3 Federal Question

ORIGIN

- ☒ 1 Original Proceeding
☐ 5 Transferred from Another District Court
☐ Other:

NATURE OF SUIT

- ☐ 530 Habeas Corpus
☐ 540 Mandamus
☒ 550 Civil Rights
☐ 555 Prison Conditions

FEE STATUS

- ☒ IFP *In Forma Pauperis*
☐ PD Paid

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes ☒ No

➤ If yes, give the following information:

Court: _____

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☐ Yes ☒ No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____